

## Message Text

CONFIDENTIAL

PAGE 01 BONN 15562 01 OF 02 021648Z

53

ACTION L-03

INFO OCT-01 SS-14 ISO-00 NSC-07 NSCE-00 H-01 PRS-01 AGR-03

AID-10 CEA-01 CIEP-01 COME-00 EB-03 FRB-03 IO-03

LAB-01 OIC-01 OMB-01 SIL-01 SP-02 STR-01 SWF-01 TAR-01

TRSE-00 CIAE-00 INR-11 NSAE-00 RSC-01 EUR-10 EA-13

NEA-06 ARA-10 DRC-01 /112 W  
----- 102486

R 021624Z OCT 74

FM AMEMBASSY BONN

TO SECSTATE WASHDC 5414

INFO AMEMBASSY BRUSSELS

AMEMBASSY CANBERRA

AMEMBASSY COPENHAGEN

AMEMBASSY THE HAGUE

AMEMBASSY LONDON

AMEMBASSY OTTAWA

AMEMBASSY PARIS

AMEMBASSY ROME

AMEMBASSY TOKYO

AMEMBASSY MEXICO CITY

USMISSION EC BRUSSELS

USMISSION OECD PARIS

USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 01 OF 02 BONN 15562

LIMDIS

E.O. 11652: N/A

TAGS: EGEN, UNCTAD, GW

SUBJECT: CHARTER OF ECONOMIC RIGHTS AND DUTIES OF  
STATES

REF: STATE 215547

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 BONN 15562 01 OF 02 021648Z

1. SUMMARY. THE FRG SHARES IN GENERAL THE ASSESSMENT PRESENTED IN REFTEL. IT CONTINUES TO MAINTAIN ITS HARD LINE ON ARTICLE TWO, ALTHOUGH IN THE END IT IS LIKELY TO CAVE. ON SOME ISSUES EC CONSIDERATIONS DICTATE TACTICAL DIFFERENCES BETWEEN THE FRG AND US POSITIONS. END SUMMARY.

2. EMBOFF DISCUSSED THE CONTENTS OF REFTEL WITH FOREIGN MINISTRY UN EXPERT DITTMANN. THIS DISCUSSION WAS ESPECIALLY TIMELY SINCE DITTMANN WILL REPRESENT THE FRG IN THE EC DISCUSSION OF THESE ISSUES ON OCTOBER 2. THE FOLLOWING SECTIONS PRESENT DITTMANN'S REACTION TO THE INDIVIDUAL TOPICS RAISED IN REFTEL.

3. ARTICLE TWO. DITTMANN AGREED THAT THE PROSPECTS FOR COMPROMISE ON ARTICLE 2 ARE NOT GOOD. HE SAID THE FRG STILL FAVORS THE FORMULATION "OBLIGATIONS UNDER INTERNATIONAL LAW", AND HE NOTED WITH SORROW THAT THIS FORMULATION MET WITH NO GROUP B ACCEPTANCE IN RECENT DISCUSSIONS IN EITHER GENEVA OR PARIS. DITTMANN SAID HE AGREED WITH THE ARGUMENTATION CONTAINED IN PARAGRAPH 3F REFTEL. HE SAID HE WOULD GUESS (NOT PROMISE BUT GUESS) THAT IN THE END THE FRG WOULD SWALLOW "INTERNATIONAL OBLIGATIONS". HE SAID HE HAD NO AUTHORITY TO SAY THIS YET, SINCE HE STILL HAD SERIOUS PROBLEMS WITH HIS LEGAL ADVISER AND IN ANY CASE THE FRG WOULD CERTAINLY NOT MAKE THIS DECISION IN OCTOBER. IF THE FRG ACCEPTS THIS LANGUAGE IT WOULD THEN PROBABLY MAKE AN EXPLANATION OF VOTE NOTING THAT IT CONSIDERS INTERNATIONAL OBLIGATIONS TO MEAN INTERNATIONAL LAW. DITTMANN STATED THAT THERE HAD BEEN A SUGGESTION TO DROP ALL REFERENCE TO INTERNATIONAL OBLIGATIONS AND INSTEAD REFER BACK TO CHAPTER 1. HE STATED THAT THIS SUGGESTION WAS TOTALLY UNACCEPTABLE.

4. MFN. DITTMANN SAID THAT THE EC ACCEPTS THE BRILLANTES FORMULA ON MFN AS IT IS ON THE ASSUMPTION THAT THERE ARE NO CHANGES IN IT. HE SAID IF THE EAST BLOC WANTS TO FIDDLE WITH THE LANGUAGE, THIS AGREEMENT

CONFIDENTIAL

PAGE 03 BONN 15562 01 OF 02 021648Z

MAY COLLAPSE. HE SAID THAT THIS WOULD BE A VERY SERIOUS MATTER. DITTMANN ASKED EMBOFF TO PASS ON THE FRG'S APPRECIATION FOR THE US SUPPORT OF THE BRILLANTES FORMULA.

5. OBJECTIONABLE PROVISIONS. THE FRG SHARES OUR VIEW THAT IT WOULD BE DESIRABLE TO DELETE ALL THREE OBJECTIONABLE PROVISIONS. DITTMANN SAID THAT THE FRG

WAS MAINTAINING ITS HARD LINE ON INDEXATION AND IT  
WOULD INSIST THAT THIS PROVISION BE DELETED. HE SAID  
THAT THE FRG ALSO OPPOSES THE PARAGRAPH ON RESTITUTION,  
BUT THAT IT WOULD LEAVE THE TASK OF FIGHTING THIS  
ONE TO THE BRITISH, FRENCH, ET AL. IN THE CASE OF  
PRODUCER ASSOCIATIONS, DITTMANN SAID THAT THE EC  
COMMISSION IS ATTEMPTING TO PEDDLE THE FOLLOWING  
FORMULATION: "ALL STATES HAVE THE RIGHT TO ASSOCIATE  
IN ORGANIZATIONS, WITHIN THE FRAMEWORK OF INTERNATIONAL  
COOPERATION, IN ORDER TO PROMOTE THE SUSTAINED GROWTH  
OF THE WORLD ECONOMY FOR THE BENEFIT BOTH OF DEVELOPING  
AND DEVELOPED COUNTRIES." HE SAID THE FRG DIDN'T  
PARTICULARLY LIKE THE COMMISSION'S INITIATIVE BUT THAT

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 BONN 15562 02 OF 02 021855Z

53

ACTION L-03

INFO OCT-01 SS-14 ISO-00 NSC-07 NSCE-00 H-01 PRS-01 AGR-03

AID-10 CEA-01 CIEP-01 COME-00 FRB-03 IO-03 LAB-01

OIC-01 OMB-01 SIL-01 SP-02 STR-01 SWF-01 TAR-01

TRSE-00 CIAE-00 INR-11 NSAE-00 RSC-01 EUR-10 EA-13

NEA-06 ARA-10 DRC-01 /109 W

----- 104558

R 021624Z OCT 74ZDK

FM AMEMBASSY BONN

TO SCSTATE WASHDC 5415

INFO AMEMBASSY BRUSSELS

AMEMBASSY CANBERRA

AMEMBASSY COPENHAGEN

AMEMBASSY THE HAGUE

AMEMBASSY LONDON

AMEMBASSY OTTAWA

AMEMBASSY PARIS

AMEMBASSY ROME

AMEMBASSY TOKYO

AMEMBASSY MEXICO CITY

USMISSION EC BRUSSELS  
USMISSION OECD PARIS  
USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 02 OF 02 BONN 15562

LIMDIS

SINCE THE LANGUAGE WAS UNOBJECTIONABLE AND THE OTHER EC MEMBERS SUPPORT THE PROPOSAL, THE FRG WAS NOT BLOCKING IT. DITTMANN STATED THAT THE TEXT AS CONTAINED IN THE ACTION PROGRAM AS WELL AS THE VENEZUELAN AND AUSTRALIAN PROPOSALS WERE TOTALLY UNACCEPTABLE.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 BONN 15562 02 OF 02 021855Z

6. SECURITY OF SUPPLY. DITTMANN SAID HE PERSONALLY SHARES OUR ASSESSMENT IN THIS AREA. HE FEELS THAT IN A CRUNCH THESE PARAGRAPHS WOULDN'T PROVIDE THE INDUSTRIALIZED COUNTRIES WITH MUCH PROTECTION AND THAT THEY WOULD PROBABLY HAVE TO PAY TOO MUCH IN THE WAY OF ACCEPTING OTHER OBJECTIONABLE PARAGRAPHS IN ORDER TO OBTAIN SATISFACTORY LANGUAGE IN THIS AREA. HIS PREFERENCE WOULD BE TO DROP THESE TWO PARAGRAPHS WITH THE THREE OBJECTIONABLE ONES. DITTMANN STATED THAT THERE WAS CONSIDERABLE DISAGREEMENT WITHIN THE EC, HOWEVER, ON HOW TO PROCEED. HE SAID SOME COUNTRIES AND SOME ELEMENTS OF THE COMMISSION FELT THAT THE PROVISION ON SECURITY OF SUPPLY WAS THE MOST IMPORTANT ELEMENT OF THE CHARTER AND THAT THE GROUP B COUNTRIES SHOULD MAKE A MAJOR EFFORT TO OBTAIN SATISFACTORY LANGUAGE ON THIS PROVISION. HE SAID THAT MANY COUNTRIES OF THE EC AS WELL AS ELEMENTS OF THE COMMISSION ALSO FAVOR COMMODITY AGREEMENTS AND THEY WERE WILLING TO FIGHT TO SEE THIS PROVISION KEPT IN THE CHARTER. HE STATED THAT IT WAS NOT EASY WITHIN THE EC CONTEXT TO ALLOW THESE TWO PROVISIONS TO WITHER AWAY.

7. VOTING. DITTMANN SAID THAT THE FRG HAS NOT YET DECIDED HOW IT WOULD PROCEED IF IT COMES TO A CRUNCH DURING THE CURRENT UNGA. HE SAID HE LIKES THE CASTANEDA PROPOSAL TO DROP THE CONTENTIOUS PROVISIONS AND APPROVE WHAT IS LEFT BY ACCLAMATION. HE SAID THE FRG IS ALSO PREPARED TO POSTPONE A FINAL DECISION IN THIS SESSION AND TO CONTINUE THE NEGOTIATIONS NEXT YEAR. IF IT COMES TO A VOTE, HOWEVER, AND THE CHARTER IS CLEARLY UNACCEPTABLE, THE FRG WILL HAVE TO CLOSELY EXAMINE THE FINAL TEXT AND THEN DECIDE IF IT IS BETTER OVERALL TO VOTE "NO" ON THE ENTIRE CHARTER OR TO

ABSAIN ON THE CHARTER AND VOTE "NO" ON SPECIFIC  
PARAGRAPHS. EMBOFF STRESSED THE US POSITION EXPRESSED  
IN PARAGRAPH 3D REFTEL THAT A NEGATIVE VOTE WOULD  
BE THE ONLY WAY OF ADEQUATELY PROTECTING DEVELOPED  
COUNTRIES' INTERESTS IN THE FACE OF AN UNACCEPTABLE  
CHARTER AND EMPHASIZED THE IMPORTANCE OF GROUP B  
UNITY. DITTMANN SAID HE WAS AWARE OF THE US VIEWS,  
BUT THERE WAS STILL SOME CONCERN WITHIN THE FRG  
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 BONN 15562 02 OF 02 021855Z

THAT IN THE END THE US MIGHT CAVE IN THE FAC OF  
HIGH LEVEL MEXICAN PRESSURE.

8. DITTMANN SAID HE DID NOT CONSIDER THE INFORMAL  
CONSULTATIONS BEGINNING OCTOBER 8 TO BE DECISIVE  
AND CONSEQUENTLY HE WOULD NOT BE GOING TO NEW YORK TO  
PARTICIPATE IN THEM. HE SAID HE WAS PREPARED TO FLY  
TO NEW YORK IMMEDIATELY, HOWEVER, IF THE SITUATION  
BECAME CRITICAL.  
HILLENBRAND

CONFIDENTIAL

NNN

## Message Attributes

**Automatic Decaptioning:** Z  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** ECONOMIC COOPERATION, ECONOMIC DEVELOPMENT, INTERNATIONAL LAW, CONSULTANTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 02 OCT 1974  
**Decaption Date:** 28 MAY 2004  
**Decaption Note:** 25 YEAR REVIEW  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** golinofr  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1974BONN15562  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D740278-0736  
**From:** BONN  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1974/newtext/t19741081/aaaacqxe.tel  
**Line Count:** 247  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION L  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** LIMDIS  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 5  
**Previous Channel Indicators:**  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** LIMDIS  
**Reference:** STATE 215547  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** golinofr  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 03 APR 2002  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <03 APR 2002 by boyleja>; APPROVED <23 JUL 2002 by golinofr>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** CHARTER OF ECONOMIC RIGHTS AND DUTIES OF STATES  
**TAGS:** EGEN, GE, FR, UNCTAD, (DITTMANN)  
**To:** STATE  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005